



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/354,802	07/16/1999	RICHARD MARC LIBMAN	2176.0010003	5598

26111 7590 11/09/2004

STERNE, KESSLER, GOLDSTEIN & FOX PLLC
1100 NEW YORK AVENUE, N.W.
WASHINGTON, DC 20005

EXAMINER

AKERS, GEOFFREY R

ART UNIT	PAPER NUMBER
----------	--------------

3625

DATE MAILED: 11/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/354,802

Applicant(s)

LIBMAN, RICHARD MARC

Examiner

Geoffrey Akers

Art Unit

3625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 August 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10,12-21,23-31 and 33-315 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10,12-21,23-31 and 33-315 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>10/7/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. This action is issued in reply to applicant's Amendment filed 8/2/04.
2. Claims 1-10,12-21,23-31,33-315 as amended, are pending.

Claim Rejections - 35 USC § 103

3. Independent claims 1-3,36,38,43,47,49 as amended, are rejected under 35 USC 103(a) as unpatentable over Tobin(US Pat. No: 6,141,666) in view of Clark(US Pat. No: 5,710,889) in view of Randle(US Pat. No: 5,787,403) in view of Horowitz(US Pat. No: 6,349,290) and further in view of Lewis(US Pat. No: 6,513,019). The rejections as cited in the Non Final Office Action are maintained and modified to include current amendments as addressed below.

4. Dependent claims 4-35,37,39-42,44-46,48,50-315 as amended, are rejected under 35 USC 103(a) as unpatentable over Tobin(US Pat. No: 6,141,666) in view of Atkins(US Pat. No: 5,852,811) in view of Clark(US Pat. No: 5,710,889) in view of Randle(US Pat. No: 5,787,403) in view of Horowitz(US Pat. No: 6,349,290) and further in view of Lewis(US Pat. No: 6,513,019). The rejections as cited in the Non Final Office Action are maintained and modified to include current amendments as addressed below.

.....

5. Applicant has indicated filing a terminal disclaimer later. The Double Patenting Rejection is held in abeyance for now.

Response to Arguments

.....

.....
6. Applicant's arguments are not persuasive. Applicant's central argument is that the references do not teach marketing campaigns of financial products and services as stated in Remarks(pp 56-57).Addressing this issue, one sees that Horowitz teaches a system for customized interactive marketing of financial products(Abstract)(col 1 line 65-col 3 line 40) to customers. Horowitz does indeed teach an automated customization and personalization system for product presentation messages which differentiates the services of a financial institution as a bank by enabling such bank to provide "mass customization" of individualized consultative services to deepen customer relationships(col 2 lines 25-31). In this mass communication Horowitz can be directed to marketing campaigns of financial products to at least groups of sequential numbers of investors and customers. Horowitz further teaches architecturally scalable customization(col 3 lines 4-11) which accommodates growth in the number of customers for mass customization. Furthermore, Randle also teaches a banking services platform that permits a financial institution to provide services and products(brokerage investment) even from other institutions(col 4 lines 38-58) as well as the ability of the financial institution to create customized and unique products particular to the institution available as products to the customers of the institution(col 5 lines 32-38).This process may be utilized as a mass marketing campaign of financial products to customers of the bank by such outside institutions.

.....
Conclusion

7. **THIS ACTION IS MADE FINAL.**

Art Unit: 3625

8. Any questions concerning this communication should be addressed to the primary examiner of record, Dr. Geoffrey Akers, P.E., who can be reached between 6:30 AM and 5:00 PM Monday through Friday at 703-306-5844. If attempts to contact the primary examiner are unsuccessful, the primary examiner's superior, Mrs. Wynn Coggins, SPE, may be telephoned at (703)-308-1344.

November 5, 2004

A handwritten signature in black ink, consisting of a stylized 'G' followed by a horizontal line.

DR. GEOFFREY R. AKERS, P.E.
PRIMARY EXAMINER